

113TH CONGRESS  
1ST SESSION

# S. 195

To amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2013

Mr. FRANKEN (for himself, Mr. DURBIN, Mr. BAUCUS, Mr. CARDIN, Ms. HIRONO, Mr. BROWN, Ms. LANDRIEU, Mr. BLUMENTHAL, Mr. TESTER, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mental Health in  
5 Schools Act of 2013”.

6 **SEC. 2. PURPOSES.**

7 It is the purpose of this Act to—

1           (1) revise, increase funding for, and expand the  
2           scope of the Safe Schools-Healthy Students program  
3           in order to provide access to more comprehensive  
4           school-based mental health services and supports;

5           (2) provide for comprehensive staff development  
6           for school and community service personnel working  
7           in the school; and

8           (3) provide for comprehensive training for chil-  
9           dren with mental health disorders, for parents, sib-  
10          lings, and other family members of such children,  
11          and for concerned members of the community.

12 **SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE**

13                               **ACT.**

14          (a) **TECHNICAL AMENDMENTS.**—The second part G  
15          (relating to services provided through religious organiza-  
16          tions) of title V of the Public Health Service Act (42  
17          U.S.C. 290kk et seq.) is amended—

18               (1) by redesignating such part as part J; and

19               (2) by redesignating sections 581 through 584  
20          as sections 596 through 596C, respectively.

21          (b) **SCHOOL-BASED MENTAL HEALTH AND CHIL-**  
22          **DREN AND VIOLENCE.**—Section 581 of the Public Health  
23          Service Act (42 U.S.C. 290hh) is amended to read as fol-  
24          lows:

1 **“SEC. 581. SCHOOL-BASED MENTAL HEALTH AND CHIL-**  
2 **DREN AND VIOLENCE.**

3       “(a) IN GENERAL.—The Secretary, in collaboration  
4 with the Secretary of Education and in consultation with  
5 the Attorney General, shall, directly or through grants,  
6 contracts, or cooperative agreements awarded to public en-  
7 tities and local education agencies, assist local commu-  
8 nities and schools in applying a public health approach  
9 to mental health services both in schools and in the com-  
10 munity. Such approach should provide comprehensive age  
11 appropriate services and supports, be linguistically and  
12 culturally appropriate, be trauma-informed, and incor-  
13 porate age appropriate strategies of positive behavioral  
14 interventions and supports. A comprehensive school men-  
15 tal health program funded under this section shall assist  
16 children in dealing with trauma and violence.

17       “(b) ACTIVITIES.—Under the program under sub-  
18 section (a), the Secretary may—

19               “(1) provide financial support to enable local  
20 communities to implement a comprehensive cul-  
21 turally and linguistically appropriate, trauma-in-  
22 formed, and age-appropriate, school mental health  
23 program that incorporates positive behavioral inter-  
24 ventions, client treatment, and supports to foster the  
25 health and development of children;

1           “(2) provide technical assistance to local com-  
2           munities with respect to the development of pro-  
3           grams described in paragraph (1);

4           “(3) provide assistance to local communities in  
5           the development of policies to address child and ado-  
6           lescent trauma and mental health issues and violence  
7           when and if it occurs;

8           “(4) facilitate community partnerships among  
9           families, students, law enforcement agencies, edu-  
10          cation systems, mental health and substance use dis-  
11          order service systems, family-based mental health  
12          service systems, welfare agencies, health care service  
13          systems (including physicians), faith-based pro-  
14          grams, trauma networks, and other community-  
15          based systems; and

16          “(5) establish mechanisms for children and ado-  
17          lescents to report incidents of violence or plans by  
18          other children, adolescents, or adults to commit vio-  
19          lence.

20          “(c) REQUIREMENTS.—

21                 “(1) IN GENERAL.—To be eligible for a grant,  
22                 contract, or cooperative agreement under subsection  
23                 (a), an entity shall—

24                         “(A) be a partnership between a local edu-  
25                         cation agency and at least one community pro-

1           gram or agency that is involved in mental  
2           health; and

3           “(B) submit an application, that is en-  
4           dorsed by all members of the partnership, that  
5           contains the assurances described in paragraph  
6           (2).

7           “(2) REQUIRED ASSURANCES.—An application  
8           under paragraph (1) shall contain assurances as fol-  
9           lows:

10           “(A) That the applicant will ensure that,  
11           in carrying out activities under this section, the  
12           local educational agency involved will enter into  
13           a memorandum of understanding—

14           “(i) with, at least one, public or pri-  
15           vate mental health entity, health care enti-  
16           ty, law enforcement or juvenile justice enti-  
17           ty, child welfare agency, family-based men-  
18           tal health entity, family or family organiza-  
19           tion, trauma network, or other community-  
20           based entity; and

21           “(ii) that clearly states—

22           “(I) the responsibilities of each  
23           partner with respect to the activities  
24           to be carried out;

1                   “(II) how each such partner will  
2                   be accountable for carrying out such  
3                   responsibilities; and

4                   “(III) the amount of non-Federal  
5                   funding or in-kind contributions that  
6                   each such partner will contribute in  
7                   order to sustain the program.

8                   “(B) That the comprehensive school-based  
9                   mental health program carried out under this  
10                  section supports the flexible use of funds to ad-  
11                  dress—

12                  “(i) the promotion of the social, emo-  
13                  tional, and behavioral health of all students  
14                  in an environment that is conducive to  
15                  learning;

16                  “(ii) the reduction in the likelihood of  
17                  at risk students developing social, emo-  
18                  tional, behavioral health problems, or sub-  
19                  stance use disorders;

20                  “(iii) the early identification of social,  
21                  emotional, behavioral problems, or sub-  
22                  stance use disorders and the provision of  
23                  early intervention services;

24                  “(iv) the treatment or referral for  
25                  treatment of students with existing social,

1 emotional, behavioral health problems, or  
2 substance use disorders; and

3 “(v) the development and implementa-  
4 tion of programs to assist children in deal-  
5 ing with trauma and violence.

6 “(C) That the comprehensive school-based  
7 mental health program carried out under this  
8 section will provide for in-service training of all  
9 school personnel, including ancillary staff and  
10 volunteers, in—

11 “(i) the techniques and supports need-  
12 ed to identify early children with trauma  
13 histories and children with, or at risk of,  
14 mental illness;

15 “(ii) the use of referral mechanisms  
16 that effectively link such children to appro-  
17 priate treatment and intervention services  
18 in the school and in the community and to  
19 follow-up when services are not available;

20 “(iii) strategies that promote a school-  
21 wide positive environment;

22 “(iv) strategies for promoting the so-  
23 cial, emotional, mental, and behavioral  
24 health of all students; and

1           “(v) strategies to increase the knowl-  
2           edge and skills of school and community  
3           leaders about the impact of trauma and vi-  
4           olence and on the application of a public  
5           health approach to comprehensive school-  
6           based mental health programs.

7           “(D) That the comprehensive school-based  
8           mental health program carried out under this  
9           section will include comprehensive training for  
10          parents, siblings, and other family members of  
11          children with mental health disorders, and for  
12          concerned members of the community in—

13               “(i) the techniques and supports need-  
14               ed to identify early children with trauma  
15               histories, and children with, or at risk of,  
16               mental illness;

17               “(ii) the use of referral mechanisms  
18               that effectively link such children to appro-  
19               priate treatment and intervention services  
20               in the school and in the community and  
21               follow-up when such services are not avail-  
22               able; and

23               “(iii) strategies that promote a school-  
24               wide positive environment.

1           “(E) That the comprehensive school-based  
2           mental health program carried out under this  
3           section will demonstrate the measures to be  
4           taken to sustain the program after funding  
5           under this section terminates.

6           “(F) That the local education agency part-  
7           nership involved is supported by the State edu-  
8           cational and mental health system to ensure  
9           that the sustainability of the programs is estab-  
10          lished after funding under this section termi-  
11          nates.

12          “(G) That the comprehensive school-based  
13          mental health program carried out under this  
14          section will be based on trauma-informed and  
15          evidence-based practices.

16          “(H) That the comprehensive school-based  
17          mental health program carried out under this  
18          section will be coordinated with early inter-  
19          vening activities carried out under the Individ-  
20          uals with Disabilities Education Act.

21          “(I) That the comprehensive school-based  
22          mental health program carried out under this  
23          section will be trauma-informed and culturally  
24          and linguistically appropriate.

1           “(J) That the comprehensive school-based  
2           mental health program carried out under this  
3           section will include a broad needs assessment of  
4           youth who drop out of school due to policies of  
5           ‘zero tolerance’ with respect to drugs, alcohol,  
6           or weapons and an inability to obtain appro-  
7           priate services.

8           “(K) That the mental health services pro-  
9           vided through the comprehensive school-based  
10          mental health program carried out under this  
11          section will be provided by qualified mental and  
12          behavioral health professionals who are certified  
13          or licensed by the State involved and practicing  
14          within their area of expertise.

15          “(3) COORDINATOR.—Any entity that is a  
16          member of a partnership described in paragraph  
17          (1)(A) may serve as the coordinator of funding and  
18          activities under the grant if all members of the part-  
19          nership agree.

20          “(4) COMPLIANCE WITH HIPAA.—A grantee  
21          under this section shall be deemed to be a covered  
22          entity for purposes of compliance with the regula-  
23          tions promulgated under section 264(c) of the  
24          Health Insurance Portability and Accountability Act

1 of 1996 with respect to any patient records devel-  
2 oped through activities under the grant.

3 “(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary  
4 shall ensure that grants, contracts, or cooperative agree-  
5 ments under subsection (a) will be distributed equitably  
6 among the regions of the country and among urban and  
7 rural areas.

8 “(e) DURATION OF AWARDS.—With respect to a  
9 grant, contract, or cooperative agreement under sub-  
10 section (a), the period during which payments under such  
11 an award will be made to the recipient shall be 6 years.  
12 An entity may receive only one award under this section,  
13 except that an entity that is providing services and sup-  
14 ports on a regional basis may receive additional funding  
15 after the expiration of the preceding grant period.

16 “(f) EVALUATION AND MEASURES OF OUTCOMES.—

17 “(1) DEVELOPMENT OF PROCESS.—The Ad-  
18 ministrator shall develop a fiscally appropriate proc-  
19 ess for evaluating activities carried out under this  
20 section. Such process shall include—

21 “(A) the development of guidelines for the  
22 submission of program data by grant, contract,  
23 or cooperative agreement recipients;

24 “(B) the development of measures of out-  
25 comes (in accordance with paragraph (2)) to be

1 applied by such recipients in evaluating pro-  
2 grams carried out under this section; and

3 “(C) the submission of annual reports by  
4 such recipients concerning the effectiveness of  
5 programs carried out under this section.

6 “(2) MEASURES OF OUTCOMES.—

7 “(A) IN GENERAL.—The Administrator  
8 shall develop measures of outcomes to be ap-  
9 plied by recipients of assistance under this sec-  
10 tion, and the Administrator, in evaluating the  
11 effectiveness of programs carried out under this  
12 section. Such measures shall include student  
13 and family measures as provided for in sub-  
14 paragraph (B) and local educational measures  
15 as provided for under subparagraph (C).

16 “(B) STUDENT AND FAMILY MEASURES OF  
17 OUTCOMES.—The measures of outcomes devel-  
18 oped under paragraph (1)(B) relating to stu-  
19 dents and families shall, with respect to activi-  
20 ties carried out under a program under this  
21 section, at a minimum include provisions to  
22 evaluate whether the program is effective in—

23 “(i) increasing social and emotional  
24 competency;

1                   “(ii) increasing academic competency  
2                   (as defined by Secretary);

3                   “(iii) reducing disruptive and aggres-  
4                   sive behaviors;

5                   “(iv) improving child functioning;

6                   “(v) reducing substance use disorders;

7                   “(vi) reducing suspensions, truancy,  
8                   expulsions and violence;

9                   “(vii) increasing graduation rates (as  
10                  defined in section 1111(b)(2)(C)(vi) of the  
11                  Elementary and Secondary Education Act  
12                  of 1965); and

13                  “(viii) improving access to care for  
14                  mental health disorders.

15                  “(C) LOCAL EDUCATIONAL OUTCOMES.—

16                  The outcome measures developed under para-  
17                  graph (1)(B) relating to local educational sys-  
18                  tems shall, with respect to activities carried out  
19                  under a program under this section, at a min-  
20                  imum include provisions to evaluate—

21                         “(i) the effectiveness of comprehensive  
22                         school mental health programs established  
23                         under this section;

24                         “(ii) the effectiveness of formal part-  
25                         nership linkages among child and family

1 serving institutions, community support  
2 systems, and the educational system;

3 “(iii) the progress made in sustaining  
4 the program once funding under the grant  
5 has expired;

6 “(iv) the effectiveness of training and  
7 professional development programs for all  
8 school personnel that incorporate indica-  
9 tors that measure cultural and linguistic  
10 competencies under the program in a man-  
11 ner that incorporates appropriate cultural  
12 and linguistic training;

13 “(v) the improvement in perception of  
14 a safe and supportive learning environment  
15 among school staff, students, and parents;

16 “(vi) the improvement in case-finding  
17 of students in need of more intensive serv-  
18 ices and referral of identified students to  
19 early intervention and clinical services;

20 “(vii) the improvement in the imme-  
21 diate availability of clinical assessment and  
22 treatment services within the context of  
23 the local community to students posing a  
24 danger to themselves or others;

1                   “(viii) the increased successful matric-  
2                   ulation to postsecondary school; and

3                   “(ix) reduced referrals to juvenile jus-  
4                   tice.

5                   “(3) SUBMISSION OF ANNUAL DATA.—An entity  
6                   that receives a grant, contract, or cooperative agree-  
7                   ment under this section shall annually submit to the  
8                   Administrator a report that includes data to evalu-  
9                   ate the success of the program carried out by the en-  
10                  tity based on whether such program is achieving the  
11                  purposes of the program. Such reports shall utilize  
12                  the measures of outcomes under paragraph (2) in a  
13                  reasonable manner to demonstrate the progress of  
14                  the program in achieving such purposes.

15                  “(4) EVALUATION BY ADMINISTRATOR.—Based  
16                  on the data submitted under paragraph (3), the Ad-  
17                  ministrator shall annually submit to Congress a re-  
18                  port concerning the results and effectiveness of the  
19                  programs carried out with assistance received under  
20                  this section.

21                  “(5) LIMITATION.—A grantee shall use not to  
22                  exceed 10 percent of amounts received under a grant  
23                  under this section to carry out evaluation activities  
24                  under this subsection.

1       “(g) INFORMATION AND EDUCATION.—The Sec-  
 2 retary shall establish comprehensive information and edu-  
 3 cation programs to disseminate the findings of the knowl-  
 4 edge development and application under this section to the  
 5 general public and to health care professionals.

6       “(h) AMOUNT OF GRANTS AND AUTHORIZATION OF  
 7 APPROPRIATIONS.—

8               “(1) AMOUNT OF GRANTS.—A grant under this  
 9 section shall be in an amount that is not more than  
 10 \$1,000,000 for each of grant years 2013 through  
 11 2017. The Secretary shall determine the amount of  
 12 each such grant based on the population of children  
 13 up to age 21 of the area to be served under the  
 14 grant.

15               “(2) AUTHORIZATION OF APPROPRIATIONS.—  
 16 There is authorized to be appropriated to carry out  
 17 this section, \$200,000,000 for each of fiscal years  
 18 2013 through 2017.”.

19       “(c) CONFORMING AMENDMENT.—Part G of title V of  
 20 the Public Health Service Act (42 U.S.C. 290hh et seq.),  
 21 as amended by this section, is further amended by striking  
 22 the part heading and inserting the following:

23       **“PART G—SCHOOL-BASED MENTAL HEALTH”.**

○